

Docket No.: PC 23140A (121*399)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Michael W. Dunne

As to Parent:

53(b) Continuation of
Application No.: 10/224903

Group Art Unit: 1623

Filed: August 21, 2002

Examiner: Latonia M. Fisher

For: SINGLE DOSE AZITHROMYCIN

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement accompanies the patent application submitted herewith as a 53(b) continuation.

In accordance with 37 CFR § 1.97(h), the filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in 37 CFR § 1.56(b).

Benefit of the earlier filing date of U.S. Patent Application No. 10/224,903, filed August 21, 2002, is claimed under 35 U.S.C. § 120 for the above-referenced application. Accordingly, pursuant to 37 CFR § 1.98(d), copies of references previously provided with an Information

Disclosure Statement in that earlier application or cited by the Office in that earlier application are not provided herewith.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 03-2775.

Dated: *July 25, 2003*

Respectfully submitted,

By *Christine M. Hansen*

Christine M. Hansen

Registration No.: 40,634

CONNOLLY BOVE LODGE & HUTZ LLP

P. O. Box 2207

Wilmington, Delaware 19899-2207

(302) 658-9141

(302) 658-5614 (Fax)

Attorney for Applicant

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	53(b) Continuation of 10/224903
				Filing Date	August 21, 2002
				First Named Inventor	Michael W. Dunne
				Art Unit	As to Parent: 1623
				Examiner Name	As to Parent: Latonia M. Fisher
Sheet	1	of	1	Attorney Docket Number	PC 23140A (121*399)

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	AA	4,328,334	5/4/82	Kobrehel et al.	
	AB	4,474,768	10/2/84	Bright	
	AC	4,517,359	5/14/85	Kobrehel et al.	
	AD	4,963,531	10/16/90	Remington	
	AE	5,498,699	3/12/96	Djokic et al.	
	AF	5,605,889	2/25/97	Curatolo et al.	
	AG	5,633,006	5/27/97	Catania et al.	
	AH	5,686,587	11/11/97	Yang	
	AI	6,068,859	5/30/00	Curatolo et al.	
	AJ	6,268,489	7/31/01	Allen et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials ¹	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T ²
	AK	ARGUEDAS, A., Single-Dose Therapy in Otitis Media, Poster Presentation at 9 th European Congress of Clinical Microbiology and Infectious Diseases, Berlin, Germany, March 21-24, 1999, <i>Clin. Microbiol. Infect.</i> 1999:5 (Supp. 3 March):28 (Abstr).			
	AL	S. BLOCK ET AL., Single-Dose Azithromycin (30 mg/kg) in Acute Otitis Media, 38 th Annual Meeting of the Infectious Disease Society of America, New Orleans, LA, Sept. 7-10, 2000 [Abstract 174].			
	AM	P/S/L Consulting Group Inc., Single-Dose Zithromax (Azithromycin) as Effective as 10 Days of Augmentin (Amoxicillin/Clavulenate) for Otitis Media, Doctor's Guide, September 14, 2000.			
	AN	FDA Briefing Package: Zithromax® (Azithromycin) Oral Suspension Single-Dose and Three Day Treatment of Acute Otitis Media, Anti-Infective Drugs Advisory Committee, November 7, 2001.			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--